

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARISSA CARTER, et al.,

Plaintiffs,

v.

CIOX HEALTH, LLC, f/k/a HealthPort  
Technologies, LLC, et al.,

Defendants.

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ORDER and AMENDED  
SCHEDULING ORDER

14-CV-6275G

Defendant CIOX Health, LLC (“CIOX”) having filed a motion for a protective order and to quash (Docket # 88), plaintiffs having opposed the motion (Docket # 90), this Court having reviewed the parties’ submissions, and oral argument having been conducted on May 3, 2018, it is hereby

ORDERED, for the reasons stated more fully on the record on May 3, 2018, that CIOX’s motion for a protective order and to quash (**Docket # 88**) is **GRANTED in PART and DENIED in PART**. Specifically, plaintiffs are directed to depose CIOX’s 30(b)(6) witnesses prior to deposing Lori Reel, CIOX’s Chief Accounting Officer. Further, CIOX is directed to produce the transcript(s) of Gregory Trerotola’s deposition in the *Ruzhinskaya* matter on or before **May 9, 2018**. After review of the transcript(s) and within a reasonable time, plaintiffs, to the extent they persist in their request to depose Trerotola as a fact witness prior to expert discovery, may renew their application to do so. It is further,

ORDERED, that the parties’ joint request made during the proceedings for a partial stay of this Court’s scheduling orders (Docket ## 75, 83, 93) is **GRANTED** as set forth

below. Defendants' request to stay fact discovery is **DENIED**. Should defendants wish to pursue such application, they must file a formal motion. Accordingly, this Court's previous scheduling orders shall be amended as follows:

1. The deadlines for class certification motions, expert discovery and dispositive motions are hereby stayed pending further order of the Court.
2. All factual discovery in this case, including depositions, shall be completed on or before **August 3, 2018**. All motions to compel discovery shall be filed at least thirty days prior to the factual discovery cutoff.
3. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.

- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

**IT IS SO ORDERED.**



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MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
May 4, 2018